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JUL 5 2006
HAROLD BAER
U.S. DISTRICT JUDGE
S. D. N.Y.

PATRICK C. ENGLISH

AARON DINES
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JASON M. SANTARCANGELO
ALSO ADMITTED IN N.Y.

December 5, 2006

Honorable Harold Baer, Jr., USDJ
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street/Chambers 2230
New York, New York 10007-1312

Re: **New Jersey Sports Productions, Inc.**
v. Panos Eliades, et al.
Civil Action No.: 06 CV 1509 (HB)

Dear Judge Baer:

Please accept this letter as a request to extend discovery. I know how stern the Court is regarding its discovery deadlines, but there are extraordinary circumstances in this case which would, most respectfully, require in the interest of justice that discovery be extended.

In summary, we recently learned after Judge Francis issued an Order requiring that the defendant Banner provide certain discovery, that there was an arbitration in which there were substantial proceedings, including discovery proceedings and briefing between Banner, Panix and John Ruiz. Prior to the recent disclosure by Banner which resulted from Judge Francis' Order, we had no idea that this existed and no pleadings related to it had been disclosed. The documents and pleadings pertaining to that arbitration are highly likely to have relevant and admissible evidence and indeed may include declarations against interest as the proceeding pertained to promotional rights to Ruiz.

Unfortunately, though production of those documents would be covered by Judge Francis' Order, we have not yet received them. As of this writing there are only 10 days left in the discovery period. We have acted expeditiously to obtain discovery having served our initial discovery request in May, having negotiated with counsel for the defendant Banner numerous times to obtain interrogatory answers and documents, and made our motion in early October. The delay of the hearing of the motion and the ruling was not our fault. Further the Court itself issued a 30-day stay of discovery of which Banner took advantage when counsel for Panix withdrew from the case.

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We have every reason to believe that counsel for Banner in this case is indeed attempting to obtain the relevant documents. The problem is that despite his efforts to do so and despite the fact that he is anticipating receiving them as of now we do not have them. It very well may and probably will open up additional areas where all of discovery will be necessary, which can be accomplished very quickly. We simply can't accomplish it, however, when we don't have the highly relevant documents from which to work. Consequently we request a 30-day extension of the discovery deadline. We sincerely feel that though the Court's adherence to schedules is well known, in this particular case a 30-day extension is well warranted.

I am authorized to inform the Court that counsel for Banner does not oppose this request.

Respectfully submitted,

DINES AND ENGLISH, L.L.C.

BY:

PATRICK C. ENGLISH

/mat

C: Raymond Levites, Esq.

Regarding the additional discovery relating to the arbitration, the deadline for discovery is extended 30 days. Any other discovery requests that cannot be decided by the attention of the court should be brought to the attention of this court on Dec. 18.

All other deadlines in the Pretrial Scheduling Order remain in force.

SO ORDERED:

Harold Baer, Jr., U.S.D.J.

Date:

12/8/06

Regarding the additional discovery relating to the arbitration, the deadline for discovery is extended 30 days. Any other discovery requests that cannot be decided by Magistrate Francis should be brought to me, attention of this Court on December 18. All other deadlines in the Pretrial Scheduling Order remain in force.